

25 February, 2011

Chairman Julius Genachowski
Commissioner Michael J. Copps
Commissioner Robert M. McDowell
Commissioner Mignon Clyburn
Commissioner Meredith Attwell Baker
Ms. Sharon Gillett, Chief, Wireline Competition Bureau
Ms. Marlene H. Dortch, Secretary

Federal Communications Commission
445 12th St SW
Washington, DC 20554
Via the Electronic Comment Filing System

Re: WC Docket 10-110: Application filed for the transfer of control of Qwest Communications International Inc., to CenturyTel Inc.D/B/A Centurylink
WC Docket 05-25: Special Access Rates for Price Cap Local Exchange Carriers

Everyone:

My company, LARIAT, is a wireless Internet service provider which operates within the territory of Qwest Communications. In our reply comment of 25 February, 2010 in WC Docket 05-25 (which see)¹, we noted that Qwest's exorbitant charges for special access lines -- which are often the only means by which an Internet service provider may connect to the Internet backbone -- were both anticompetitive and a deterrent to the deployment of rural broadband service.

Astonishingly, since the merger was announced, the price quotes we have received for Qwest special access lines from our location to the Internet hub in Denver, Colorado have increased by a startling 33% over the already exorbitant charges documented in those comments.

I and my company therefore ask that the Commission, as a condition of its approval of the merger, require the Merged Company to halt this anticompetitive tactic and offer just and reasonable special access pricing.

In particular, I and my company respectfully request that the Merged Company be required to offer special access rates, from any location currently served by its ADSL service to the nearest major Internet peering point, no higher than 50% of what the Merged Company itself charges at retail per downstream megabit for Internet service via ADSL in the same area. Note that a competitor purchasing such special access services would still have to purchase bandwidth

¹Amended Reply Comments of Laurence Brett ("Brett") Glass, d/b/a LARIAT, A Wireless Internet Service Provider serving Albany County, Wyoming, WC Docket No. 05-25, available via the Commission's Electronic Comment Filing System at <http://fjallfoss.fcc.gov/ecfs/document/view?id=7020391050>.

from an Internet backbone provider at the peering point, as well as other inputs to its product, and would thus have net per-megabit bandwidth costs substantially higher than those of the Merged Company. However, this very lenient restriction upon special access rates would at least ensure that competition was not as easily extinguished by anticompetitive pricing. Such a condition is especially important to preserve the viability of small, rural, and wireless competitors such as those which will be found in the Merged Company's largely rural service area. Such competitors do not have the bargaining power that can be exerted by larger providers such as tw telecom inc., which first opposed the merger on similar grounds² and then withdrew its opposition³ after a special agreement was negotiated.

I and my company want to make it clear that, in general, we do not believe that merger conditions, rather than universally applicable rule makings, should be used to enact important policies or deal with anticompetitive behaviors. However, because there has been no Commission action on WC Docket 05-25, and because the National Broadband Plan (Recommendation 4.8) recognizes the urgency of dealing with this vital issue and of preserving and fostering competition, we respectfully request that the Commission do so in this case to prevent anticompetitive tactics from being perpetuated or even intensified by the Merged Company after the merger.

Because this letter constitutes an ex parte communication with reference to the abovementioned proceedings, a copy is being filed electronically via the Commission's Electronic Comment Filing System as per Section 1.1206(b)(2) of the Commission's rules.

Sincerely,

A handwritten signature in black ink, appearing to read "Laurence Brett Glass".

Laurence Brett ("Brett") Glass, d/b/a LARIAT
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fcc@brettglass.com

²Ex Parte Letter of 5 January, 2011 from tw telecom inc. to Ms. Marlene Dortch, available at <http://fjallfoss.fcc.gov/ecfs/document/view?id=7021025681>.

³Ex Parte Letter of 7 February, 2011 from tw telecom inc. to Ms. Marlene Dortch, available at <http://fjallfoss.fcc.gov/ecfs/document/view?id=7021028259>.